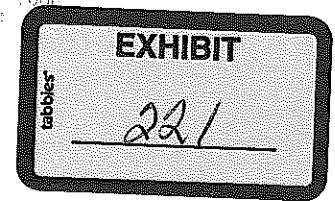


BUREAU OF WATER PROTECTION AND LAND REUSE  
OFFICE OF THE BUREAU CHIEF

FEB 04 2010



**FOUNDER**

Ehrick K. Rossiter

**TRUSTEES**

Edmund J. White

*President*

Mary Anne Greene

*Secretary*

Peter R. Houldin

*Treasurer*

John A. Herrmann, Jr.

*Chairman of the Board*

Mark Averill

Randy Bernard

Manny Clark

William R. Coleman

Jane A. Conn

William A. Davidson

Natalie H. Dyer

R. William Fairbairn

Kirsten J. Feldman

Larry Gendron

Joe Gitterman

Gustave M. Hauser

Eliot Johnson

Yolanda Joseph

Michael Lloyd

Mark Lyon

Kirsten Peckerman

Eugene Pinover

John Potter

John Quist

Raymond W. Reich

Virginia Reynolds

Andrew Shapiro

Stephen G. Solley

Peary D. Stafford, Jr.

Chick Treadway

**HONORARY TRUSTEES**

Merrell E. Clark

Robert L. deCourcy

John A. Millington

**STAFF**

Susan Branson

*Executive Director*

Clark P. Gifford

*Land Manager*

Mary Hawvermale

*Administrative Assistant*

Paul E. Stacey, Director

Bureau of Water Protection and Land Reuse

Planning and Standards Division

Department of Environmental Protection

79 Elm Street, Hartford, CT 06106-5127

RE: Proposed Stream Flow Regulations in response to Public Act 05-142

January 31, 2010

Dear Mr. Stacey,

The Steep Rock Association wishes to commend and thank the DEP, in particular all those who've spent many hours working to prepare the stream flow regulations now under consideration.

Following the outcome of the Shepaug River litigation, to which the Steep Rock Association was a party, the legislature established Public Act 05-142. Had sound scientifically based stream flow regulations been in effect at that time, the Shepaug River would not have suffered damage from inadequate flows.

Although we have some concerns about the regulations in their current form, which I mention below, the draft regulations as presented reflect a fair compromise between preservation of CT's rivers and their exploitation. The regulatory framework for stream flows as presented seems to balance human needs and the rivers' natural needs.

Our concerns are as follows:

- Class 4 streams have been left by the wayside, with no plans at all for their management, regulation or restoration.
- There is no requirement for the DEP to conduct future monitoring or to take measures to upgrade the classification of rivers, for example from a Class 3 to a Class 2 designation.
- We also are concerned that the public may have no chance to review or comment on the final document. As we understand it, the final document will be sent to the legislature's regulatory committee, which itself rarely holds public sessions.

However, in spite of the above mentioned reservations, the Steep Rock Association is in favor of the regulations.

Again, we congratulate the DEP on a difficult job well done.

Sincerely,

Susan Branson, Executive Director